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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,308	08/05/1998	JAMES R. WHITLEDGE	98.442	4322

20306 7590 11/23/2001

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EXAMINER

BASHORE, WILLIAM L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 11/23/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

15

Office Action Summary

Application No.
09/129,308

Applicant(s)
Whiteledge et al.

Examiner
William L. Bashore

Art Unit
2176



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Aug 27, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

1. This action is responsive to communications: amendment filed on 8/27/2001, to the original application filed on 8/5/1998. IDS filed on 10/13/1998 (paper #2), 3/4/2000 (paper #4), 4/13/2000 (paper #5), 5/23/2000 (paper #6), and 9/28/2000 (paper #7).
2. The objection to the title has been withdrawn as necessitated by amendment.
3. Claims 1-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Madnick and Kurz.
4. It is to be noted that two independent sets of rejections are applied to Applicant's pending claims. Accordingly, this action is **Non-Final**.
4. Claims 1-20 are currently pending in this case. Claim 1, 15, 20 are independent claims.

Claim Rejections - 35 USC § 112

5. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to independent claim 1, the phrases “a second network device”, and “a third network device” is confusing, vague and indefinite, because it implies a first network device. However, no mention is made of a first network device in claim 1.

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Examiner's Notes

In regard to independent claim 1, the examiner interprets the phrases "*a second network device*", and "*a third network device*" as the following: "*a network device*" and "*another network device*", respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madnick et al. (hereinafter Madnick), U.S. Patent No. 5,913,214 issued June 1999, in view of Kurz, A., Data warehousing within intranet: prototype of a web-based executive information system, IEEE Database and Expert Systems Applications, September 1-2, 1997, pp.627-632.

In regard to independent claim 1, Madnick teaches:

- a first network incorporating a plurality of network devices (Madnick Figure 6 item 612) connected to a second network with a plurality of network devices (Madnick Figure 6 items 102, 300, 400, also column 4 lines 19-25; compare with claim 1 preamble "*In a first network with a plurality of network devices connected to a second network with a plurality of network devices, a method of content conversion*").

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- a Wrapper Generator on a single computer comprising a Data Retriever, fetches a web page from an Internet web site (Madnick Figure 6 items 614, 620, and 612", see also column 9 lines 48-52, 62-67; compare with claim 1 "*receiving a first hypertext electronic document on a second network device on a first network, from a third network device on a second network*").

- a descriptor file customized for interaction and data extraction with a retrieved web page (Madnick column 10 lines 15-25, column 12 lines 5-11, table 2; compare with claim 1 "*creating a document object model from the first hypertext electronic document*").

- a HTML descriptor file containing additional embedded tags, said tags providing extra information to the Wrapper Generator (Madnick column 15 lines 54-65; compare with claim 1 "*extracting one or more selected hypertext elements from the document object model...*").

- using said additional embedded tags, along with the rest of the specification file, for web data extraction and conversion to a result data set (Madnick column 15 lines 60-67, column 16 lines 1-3; compare with claim 1 "*converting one or more extracted hypertext elements...*").

- Madnick does not specifically teach creation of a second hypertext document including converted elements. However, Kurz teaches final HTML output display (Kurz p.629 Presentation layer, also p.631 Figure 4; compare with claim 1 "*creating a second...converted hypertext elements*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the final HTML page presentation to the utilization of the embedded tags and web page data accessing of Madnick, because of Kurz's taught advantage of final web display, providing a familiar presentation of data to the returned data sets of Madnick.

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- Madnick does not specifically disclose data mining , or a data mining conversion language.

However, these two limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Madnick, because Madnick deals with various data extractions (using specialized wrapper generation incorporating specification files), from disparate network sources (ie. web pages, network databases, etc.) for returning result sets of information, which clearly suggests a data mining embodiment (incorporating a language for its implementation), and providing the advantage of information retrieval from different sources (Madnick column 2 lines 28-43; compare with claim 1 “...*data mining expressions*”, and “*data mining conversion language*”).

In regard to dependent claim 2, Madnick teaches returning data sets to a Data Receiver (Madnick Figure 6 items 102, 400; compare with claim 2).

In regard to dependent claim 3, Madnick teaches a CD-ROM embodying Madnick’s invention (Madnick column 16 lines 17-21; compare with claim 3).

In regard to dependent claim 4, Madnick does not specifically teach saving references to a symbol table. However, Kurz utilizes parsing and identification of tokens, along with regular expressions using LEX and YACC, which strongly suggests a text compiler which uses symbol tables (Kurz p.163 item 3.1.1, p.164 Table 1; compare with claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kurz to Madnick, because of Kurz’s taught advantage of compiler strategy using symbol tables, providing parsing capabilities to Madnick..

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In regard to dependent claim 5, Madnick teaches saving elements in a specification file (Madnick column 12 Table 2; compare with claim 5).

In regard to dependent claim 6, Madnick teaches data extraction from a plurality of web sources (Madnick column 13 lines 26-29; compare with claim 6).

In regard to dependent claim 7, Madnick teaches a specification file as a template (Madnick column 13 lines 34-36; compare with claim 7).

In regard to dependent claim 8, Madnick teaches variables addressed as various symbols (Madnick column 12 Table 2 items 0&, A#; compare with claim 8).

In regard to dependent claims 9, 10, Madnick teaches a Query Converter, Command Transmitter, and Data Retriever utilizing web document servers on the Internet (Madnick Figure 6 items 612, 612", 614; compare with claims 9, 10).

In regard to dependent claim 11, Madnick teaches a specification file declaring TYPE: WEB (Madnick column 12 Table 2, near top of table; compare with claim 11).

In regard to dependent claim 12, Madnick teaches CGI, a form of script (Madnick column 14 lines 28-32; compare with claim 12).

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In regard to dependent claims 13, 14, Madnick teaches using additional embedded tags, along with the rest of a specification file, for web data extraction and conversion to a result data set (Madnick column 15 lines 60-67, column 16 lines 1-3). Madnick does not specifically teach creation of a second hypertext document including converted elements. However, Kurz teaches final HTML output display (Kurz p.629 Presentation layer, also p.631 Figure 4; compare with claims 13, 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the final HTML page presentation to the utilization of the embedded tags and web page data accessing of Madnick, because of Kurz's taught advantage of final web display, providing a familiar presentation of data to the returned data sets of Madnick.

In regard to independent claim 15, Madnick teaches:

- a first network incorporating a plurality of network devices (Madnick Figure 6 item 612) connected to a second network with a plurality of network devices (Madnick Figure 6 items 102, 300, 400, also column 4 lines 19-25; compare with claim 15 preamble *"In a first network with a plurality of network devices connected to a second network with a plurality of network devices, a method of content conversion"*).

- a Wrapper Generator on a single computer comprising a Data Retriever, fetches a web page from an Internet web site subsequent to receiving a request from a user (Madnick Figure 6 items 102, 614, 620, and 612", see also column 9 lines 48-52, 62-67; compare with claim 15 *"receiving a request for first hypertext electronic document on a second network device on a first network, from a first network device on the first network"*).

- a descriptor file customized for interaction and data extraction with a retrieved web page, a HTML descriptor file containing additional embedded tags, said tags providing extra information to the Wrapper Generator, and utilization of said additional embedded tags, along with the rest of the specification file, for

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web data extraction and conversion to a result data set (Madnick column 10 lines 15-25, column 12 lines 5-11, column 15 lines 54-65, 60-67, column 16 lines 1-3, table 2; compare with claim 15 “*applying a data mining conversion language....one or more converted hypertext elements*”).

- Madnick does not specifically teach creation of a second hypertext document including converted elements. However, Kurz teaches final HTML output display (Kurz p.629 Presentation layer, also p.631 Figure 4; compare with claim 15 “*creating a second...converted hypertext elements*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the final HTML page presentation to the utilization of the embedded tags and web page data accessing of Madnick, because of Kurz’s taught advantage of final web display, providing a familiar presentation of data to the returned data sets of Madnick.

- returning data sets to a Data Receiver (Madnick Figure 6 items 102, 400; compare with claim 15 “*sending the second....electronic document*”).

- Madnick does not specifically disclose data mining , or a data mining conversion language. However, these two limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Madnick, because Madnick deals with various data extractions (using specialized wrapper generation incorporating specification files), from disparate network sources (ie. web pages, network databases, etc.) for returning result sets of information, which clearly suggests a data mining embodiment (incorporating a language for its implementation), and providing the advantage of information retrieval from different sources (Madnick column 2 lines 28-43; compare with claim 15 “*...data mining conversion language*”).

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In regard to dependent claim 16, Madnick teaches a CD-ROM embodying Madnick's invention (Madnick column 16 lines 17-21; compare with claim 16).

In regard to dependent claim 17, Madnick teaches a Query Converter, Command Transmitter, and Data Retriever for fetching pages from a document server on the Internet (Madnick Figure 6 items 612, 612", 614; compare with claim 17).

In regard to dependent claims 18, 19, Madnick teaches variables addressed as various symbols (Madnick column 12 Table 2 items 0&, A#; compare with claims 18, 19).

In regard to independent claim 20, Madnick teaches:

- a Wrapper Generator on a single computer comprising a Data Retriever, fetches a web page from an Internet web site subsequent to receiving a request from a user (Madnick Figure 6 items 102, 614, 620, and 612", see also column 9 lines 48-52, 62-67; compare with claim 20 "*a content converter....conversion language*").

- a descriptor file customized for interaction and data extraction with a retrieved web page, a HTML descriptor file containing additional embedded tags, said tags providing extra information to the Wrapper Generator, and utilization of said additional embedded tags, along with the rest of the specification file, for web data extraction and conversion to a result data set (Madnick column 10 lines 15-25, column 12 lines 5-11, column 15 lines 54-65, 60-67, column 16 lines 1-3, table 2; compare with claim 20 "*a document object model for storing hypertext elements of a first hypertext electronic document*").

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- a Wrapper Generator on a single computer (proxy) comprising a Data Retriever, fetches a web page from an Internet web site subsequent to receiving a request from a user (Madnick Figure 6 items 102, 614, 620, and 612", see also column 9 lines 48-52, 62-67; compare with claim 20 "*a proxy server....electronic documents*").

- Madnick does not specifically teach creation of a second hypertext document including converted elements. However, Kurz teaches final HTML output display (Kurz p.629 Presentation layer, also p.631 Figure 4; compare with claim 20 "*a second hypertext electronic document*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the final HTML page presentation to the utilization of the embedded tags and web page data accessing of Madnick, because of Kurz's taught advantage of final web display, providing a familiar presentation of data to the returned data sets of Madnick.

- Madnick does not specifically disclose data mining , or a data mining conversion language. However, these two limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Madnick, because Madnick deals with various data extractions (using specialized wrapper generation incorporating specification files), from disparate network sources (ie. web pages, network databases, etc.) for returning result sets of information, which clearly suggests a data mining embodiment (incorporating a language for its implementation), and providing the advantage of information retrieval from different sources (Madnick column 2 lines 28-43; compare with claim 20 "data mining conversion expressions", and "*...data mining conversion language*").

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9. Claims 1-7, 9-17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spyglass Prism Concepts And Applications (hereinafter Spyglass), 1997 Spyglass, Inc. pp. 1-7, with a public knowledge date of at least March 10, 1997, as evidenced by Newsflash: "Spyglass Prism Content Conversion Solution Debuted at Embedded Systems East '97", Spyglass Inc., retrieved on 5/24/2000, pp. 1-3, <url: <http://www.spyglass.com/newsflash/releases/97/031097prism.html>>.

In regard to independent claim 1, Spyglass Prism teaches:

- network devices connected (via a first network) to a Spyglass Prism proxy server, which is in turn connected to the Internet (via a second network), for content conversion of fetched Web pages by said proxy server (Spyglass Prism p. 2, second paragraph from top, also Figure at middle of page; compare with claim 1 preamble "*In a first network....comprising the following steps*", and "*receiving a first hypertext document....network device on a second network*").

- conversion of a Web document via the use of a model utilizing a set of conversion rules specifically designed to convert said document within the limitations set forth by a user's portable network device (ie. PDA) (Spyglass Prism p. 5 section Content Converter and Cache; compare with claim 1 "*creating a document object model from the first hypertext electronic document*").

- extraction of various hypertext tags for deletion or replacement (conversion) with other tags resulting in a new document suitable for display within said user's portable network device (Spyglass Prism pp. 5-6 section Content Converter and Cache; compare with claim 1 "*extracting one or more....conversion language*", also "*converting one or more extracted....conversion language*", and "*creating a second hypertext electronic document....hypertext elements.*").

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- Spyglass Prism does not specifically teach “data mining expressions”, and a “data mining conversion language”. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Spyglass Prism, because Spyglass Prism teaches applying conversion rules via a conversion script, as applied to a Web page for converting tags in said Web page, suggesting the mining of a page with a script in order to find, extract, and replace various target tags, providing the advantage of an automated conversion script to Spyglass Prism (Spyglass Prism p.5 second paragraph from top; compare with claim 1 “*data mining expressions*”, and “*data mining conversion language*”).

In regard to dependent claims 2-3, Spyglass Prism teaches:

- sending a converted (second) Web page to a portable network device (Spyglass Prism p. 2 middle Figure; compare with claim 2).

- a computer readable medium (ie. a hard drive) for implementing Spyglass Prism’s proxy server is known in the computer art (compare with claim 3).

In regard to dependent claims 4-6, Spyglass Prism teaches:

- referencing elements via the use of conversion rules, said rules stored and manipulated by Device and User database tables (Spyglass Prism p. 6 section Administration and Logging (near bottom); compare with claim 4).

- utilizing said conversion rules and tag extraction as specifically applied to hypertext Web documents, which incorporate tags in hierarchical based layouts (Spyglass Prism p. 5 section Content Converter and Cache; compare with claims 5, 6).

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In regard to dependent claim 7, Spyglass Prism does not specifically teach a template. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Spyglass Prism, because Spyglass Prism teaches user device customized conversion rules using a script as applied to an original Web page document, suggesting the use of a template to hold various said rules, etc., providing Spyglass Prism with the advantage of structure that templates provide (Spyglass Prism p. 5 section Content Converter and Cache, p.6 section Administration and Logging; compare with claim 7).

In regard to dependent claims 9-11, Spyglass Prism teaches a content converter, and a document (Internet) server. Spyglass Prism also teaches obtaining elements with hypertext tags (Spyglass Prism p. 2 middle figure, also p. 5 section Content Converter and Cache; compare with claims 9-11).

The use of object oriented techniques for implementing the invention of Spyglass Prism is known in the computer software art.

In regard to dependent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 13, Spyglass Prism teaches conversion of elements from an original document into a converted document (Spyglass Prism p. 5 section Content Converter and Cache; compare with claim 13).

In regard to dependent claim 14, claim 14 incorporates substantially similar subject matter as claimed in claims 7 and 13, and is rejected along the same rationale.

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In regard to independent claim 15, Spyglass Prism teaches:

- network devices connected (via a first network) to a Spyglass Prism proxy server, which is in turn connected to the Internet (via a second network), for content conversion of fetched Web pages by said proxy server as requested by a user device (Spyglass Prism p. 2, second paragraph from top, also Figure at middle of page; compare with claim 15 preamble *"In a first network....comprising the following steps", "receiving a request for first hypertext electronic....network device on the first network", and "obtaining the first hypertext....second network device"*).

- conversion of a Web page via extraction of various hypertext tags for deletion or replacement (conversion) with other tags, utilizing a set of conversion rules specifically designed to convert said document within the limitations set forth by a user's portable network device (ie. PDA), resulting in a new document suitable for display within said user's portable network device (Spyglass Prism pp. 5-6 section Content Converter and Cache; compare with claim 15 *"applying aconverted hypertext documents"*, also *"creating a second hypertext electronic document....hypertext elements."*, and *"sending the second....the first hypertext electronic document."*).

- Spyglass Prism does not specifically teach a "data mining conversion language". However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Spyglass Prism, because Spyglass Prism teaches applying conversion rules via a conversion script, as applied to a Web page for converting tags in said Web page, suggesting the mining of a page with a script in order to find, extract, and replace various target tags, providing the advantage of an automated conversion script to Spyglass Prism (Spyglass Prism p.5 second paragraph from top; compare with claim 15 *"data mining conversion language"*).

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In regard to dependent claim 16, claim 16 incorporates substantially similar subject matter as claimed in claim 3, and is rejected along the same rationale.

In regard to dependent claim 17, Spyglass Prism teaches a portable network device, a content converter proxy, and a document server (Internet) (Spyglass Prism p. 2 middle figure; compare with claim 17).

In regard to independent claim 20, claim 20 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

10. **Claims 8, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spyglass as applied to claims 1, 15, above, and further in view of Madnick et al. (hereinafter Madnick), U.S. Patent No. 5,913,214 issued June 1999.**

In regard to dependent claims 8, 18-19, Spyglass Prism does not specifically teach the use of prefixes "&%". However, Madnick teaches variables addressed as various symbols (Madnick column 12 Table 2 items 0&, A#; compare with claims 8, 18, 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Madnick to Spyglass Prism, providing Spyglass Prism an organized way to track various variables of interest via the use of "&" and "%".

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Response to Arguments

11. Applicant's arguments filed 8/27/2001 have been fully and carefully considered but they are not persuasive.

Applicant argues on pages 3-4 of the amendment that Madnick does not disclose extracting one or more selected hypertext elements....from a data mining conversion language. The Examiner notes that Madnick teaches a descriptor file customized for interaction and data extraction with a retrieved web page, as well as a HTML descriptor file containing additional embedded tags, said tags providing extra information to a wrapper generator. The additional embedded tags, along with the rest of the specification file, is used for web data extraction and conversion to a resulting data set presented to the user.

Applicant argues on page 4 of the amendment that the cited art does not teach a data mining conversion language. The Examiner notes that Madnick deals with various data extractions (using specialized wrapper generation incorporating specification files), from disparate network sources (ie. web pages, network databases, etc.) for returning result sets of information, which clearly suggests a data mining embodiment (incorporating a language for its implementation), providing the advantage of information retrieval from different sources.

Applicant argues on page 4 (near bottom), also repeated on pages 5-6 of the amendment that the cited art does not teach a final HTML output display. The Examiner notes that Kurz teaches creating a final output display.

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
11/8/2001


JOSEPH H. FEILD
PRIMARY EXAMINER